

Memo

To: Travis Snell, Chair, Carlisle Zoning Board of Appeals
From: George Mansfield, Planning Administrator
CC: Town Administrator, Board of Health, Conservation Commission, Planning Board
Date: August 11, 2016

Re: 40B Remand Hearing for 100 Long Ridge Road – Additional comments

The following summarizes the comments I made orally at the public hearing that opened on August 8, 2016, and agreed to subsequently submit to the Board of Appeals in writing.. These are based upon further review of the plan entitled “The Birches – Plan P – Public Water Supply,” dated February 2, 2016, as well as additional testimony given by the applicant and his representatives at the hearing. My comments do not represent opinions or questions expressed by the Carlisle Planning Board, which were previously documented in my memo to you dated July 20, 2016. The Planning Board has not met since that date and therefore has had no opportunity to receive or discuss any new information regarding this proposed project.

- I. Regarding the “**Summary of Plan Changes**” dated 8/03/16 submitted by the applicant to the ZBA, the following clarifications and corrections should be sought by the Board:

Item A.1. The applicant should provide cross-sections, grading and specifications for the base and material to be used to install the **permanent gravel access roads** for the construction and maintenance of the public water supply wells. These roadways are intended to remain in place and support heavy vehicles for the usable life of the wells and must be built to withstand erosion. This is especially important since most, if not all, of these roadways are located within a wetland or buffer zone thereof. These plans and specifications should be peer reviewed by the Town’s engineering consultant.

Item B.2. The applicant has stated that “**approximately 7 buildings** are closer than 30 feet to each other” (30 feet being the minimum separation requested by the Fire Department). However, dimensions on Plan P show that **11 buildings** are separated by only 20 to 25 feet, and scaling the Plan further reveals that a total of **16 buildings are separated by less than 30 feet**. In other words, only 4 of the 20 proposed units (units 5, 6, 19 and 20) comply with the Fire Department recommendations. At the hearing, the applicant indicated that he was considering having the buildings sprinklered, but this may not address other public safety issues, such as the locations of proposed propane tanks as well as the roof runoff infiltration systems.

Item B.5. The applicant has pointed out that the various buildings conforming to the individual styles and floor plans that were presented to the Board at the time of the approval of the Comprehensive Permit will remain the same, although they will be “relocated.” However, footprints of units 8, 9, 12 and 13 shown on Plan P do not conform to any of the floor plans of the originally-proposed units. The Board should ask for an explanation of this discrepancy, and for new elevations and floor plans if such are being proposed.

Item B.6. The applicant has attempted to justify the **elimination of the Fire Cistern** due to the availability of a public water supply. It should be pointed out that not only is a shared holding tank with a 12,000 – 15,000 gallon capacity (as described in the hearing by Joel Frisch of NGI) likely to be deemed inadequate by the Fire Department, who typically request a dedicated storage tank of at least 30,000 gallons, but also that in the most recent multiple unit developments approved by the Town, there have been both a PWS and a cistern required. These include Benfield Farms (26 units), under a Comprehensive Permit, and Garrison Place (16 units) under a Special Permit.

II. Re: Items to “**Remain Generally Unchanged**” identified in the same 8/03/16 memo:_____

1. “Horizontal Road Layout – similar centerline”

This appears to be an incorrect statement. The roadway in Plan P begins at Long Ridge Road at a location approximately 24 feet (the roadway width) west of the location on the plans approved in 2015. It then gradually rejoins the original layout of the roadway approximately in front of existing unit 20. The effect of this change will be to move the centerline offset of the new roadway closer to that of Garnet Rock Lane than was originally approved. See “Waivers that may be needed” below.

3. “Road Grades”

The applicant has stated that the grades are unchanged, but since the roadway location has changed both near the entrance (see #1 above) and where the location of the cul-de-sac circle and the end of the roadway have been exchanged, the Board should request that roadway grades, at the least in these areas, be shown on the plans.

5. "Building offset to property lines other than B.1"

No dimensions are shown on Plan P, but from scaling the Plan it appears that units 5, 7 and 11 are **closer to the property line** than the buildings at these locations on the approved plans. It also appears that units 7, 11, 14 and perhaps 15 are closer than 40 feet to the side or rear lot lines. See "Waivers that may be needed" below.

6. "Landscaped buffers and tree planting required by conditions to northwest and north"

The buffers, tree lines and the "save trees" notes designated on the western property line and in the southeast corner of the site (adjacent to Long Ridge Road) shown on the approved plans have been removed from Plan P. There is no buffer shown on the northern property line on either the approved plans or on Plan P. The Board should request that the applicant clarify his intention regarding buffers, tree removal and tree planting, and show this information on the plans.

III. **Other changes** that should be considered as shown in the revised Plan P:

- A. Four **off street guest parking stalls** that were included in the approved plans have been eliminated. Consideration should be given to whether this parking is needed, but if not, the reduction of impervious surface should be considered in the storm water management plan.
- B. The **reduction of the paved width of the roadway** extending 300 feet beyond the cul-de-sac circle from 24 to 20 ft. will result in a reduction of approximately 1,200 sq., ft. of impervious surface. This, in conjunction with other grading changes, may require revised drainage calculations.
- C. There were five **snow storage locations** shown on the approved plans. These have been eliminated. The concentration of building sites closer to the roadway and to each other should require that these sites be identified.
- D. The acreage of the **proposed "open space" area** on the eastern portion of the site, shown on the approved plans as 3.19 acres (32% of the parcel), is not documented on Plan P. It is likely that this area, or at least the usable portion of it, has been reduced. This should be documented by the applicant. The Board should also determine whether uses and recreational activities otherwise appropriate on open space land will be restricted within the well head protection zones, and whether that area will have to be fenced or access will be otherwise limited.

IV. Waivers that may be needed

- A. **#2 – Sec. 4.3.2 of the Zoning Bylaws – Side and Rear Setbacks:** The waiver granted in the Comprehensive Permit was based on a lesser reduction of setbacks to the outer property lines than is now proposed. It is also noted that this waiver was subject to the condition that the minimum of 31 foot setbacks between proposed buildings, as shown in the approved plans, be maintained. The revised Plan P. does not maintain these setbacks. At a minimum, the Board should ask the applicant for a new waiver request and re-evaluate their previous decision. As an alternative, the Board may want to consult with Town Counsel and determine whether, like the reduction from 40 to 20 feet in the front setback for unit 1, these setbacks can be subject to the grant of a zoning variance by the Board as the applicant has requested for the former.
- B. **#6 – Article III, Sec 2.B (1) of the Subdivision Rules and Regulations – Roadway Offsets:** The waiver granted in the Comprehensive Permit was based on a proposed centerline offset reduction from the required 125 feet to approximately 86 feet. That offset has been further reduced in Plan P by 24 feet, so that it is now only 62 feet, less than half of what is required. The justification of these offset requirements is for traffic intersection safety. Reduced offsets can encourage cross cutting traffic and greater speed, since less vehicular turning is required. Again, the Board should ask the applicant for a new waiver request, and also to justify the necessity of relocating the intersection from its original proposed location thus requiring the additional waiver.
- C. **#17 – Sec. II.B.2.e.iii of the ZBA's Comprehensive Permit Rules – Units Accessed from a Cul-de-Sac:** The waiver as previously granted specifically allowed 4 dwelling units to be accessed directly from the cul-de-sac. The revised Plan P. shows 5 driveways entering the relocated cul-de-sac. The applicant should be asked to submit a request to increase this waiver or, alternatively, to re-orient unit 8 slightly so that its driveway does not enter into the cul-de-sac. The Board may also wish to ask the Town's peer review engineer to comment on the safety of the Plan P design of the cul-de-sac, or that of any further modifications to it that the applicant may propose.

V. General comments on the development proposed in the revised Plan P.

In the initial session of the public hearing, a member of the Board of Appeals observed that the revised plan appeared to be denser than the plans approved in the Comprehensive Permit. Nevertheless, it proposes the same number of units, with the same number of bedrooms, and with essentially the same length of roadway providing access to them, as did the approved plans. What is significant in my opinion, however, is that the creation of a public water supply has forced the reduction of many building setbacks and the elimination of other features, such as the rain gardens, that would give this development a more rural feel. Indeed, at least on the proposed plan, it now appears more urban. I understand that the applicant has tried to keep Carlisle's single family character in designing this development. However, in keeping with the general size and massing of single family homes being built in Carlisle over the last 20-25 years, one could conceive duplex structures that could provide 20 housing units and restore or even improve on setbacks, separation and green space while allowing a PWS. Such a layout will not reflect the historic deck house neighborhood it is to be within, but neither would the approved plan nor Plan P.

I also realize that it is not my role, nor that of the ZBA, to propose such a significant change. You have to act on the plans presented to you. But if you find you cannot approve these revised plans as presented, particularly with regard to potential compromises the changes may present to public safety, then it might be worthwhile to have a discussion with the applicant about reasonable alternatives.